

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JOHN RANDALL FUTCH)
)
)
Plaintiff,)
)
v.) Civil Action File No. _____
)
FEDEX GROUND, MERRICK) Removed from the Superior Court of
GARLAND, UNITED STATES OF) Chatham County, Georgia
AMERICA,) Case No. SPCV22-01167-FR
)
Defendants. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendant FedEx Ground¹ by counsel removes this case from the Superior Court of Chatham County, State of Georgia, to the United States District Court for the Southern District of Georgia, Savannah Division. The grounds for removal are as follows:

I. PROCEDURAL BACKGROUND

1. On or about November 14, 2022, Plaintiff filed a civil action against FedEx Ground in the Superior Court of Chatham County, Georgia, captioned *John Randall Futch v. FedEx Ground et al.*, Case No. SPCV22-01167-FR (the “State

¹ FedEx Ground Package System, Inc. (“FedEx Ground”) has been improperly identified by Plaintiff as FedEx Ground.

Court Action"). Plaintiff alleged that FedEx Ground discriminated against him in violation of Title VII of the Civil Rights Act of 1964.

2. On November 16, 2022, Plaintiff served FedEx Ground with the Complaint.

II. FEDERAL QUESTION JURISDICTION

3. Based on Plaintiff's Complaint, this Court has original jurisdiction over this action, pursuant to 28 U.S.C. § 1331 because the Complaint raises a federal question under Title VII.

III. VENUE IS PROPER

4. The United States District Court for the Southern District of Georgia embraces the location where the State Court Action was filed. Thus, removal is proper to this Court pursuant to 28 U.S.C. § 1441.

IV. REMOVAL IS TIMELY

5. This Notice of Removal has been filed within 30 days of FedEx Ground's receipt of a copy of Plaintiff's Complaint.

V. PAPERS FROM REMOVED ACTION

6. Pursuant to 28 U.S.C. § 1446(a), copies of all processes, pleadings and orders served on FedEx Ground in this action are attached to this Notice of Removal. *See Exhibit 1.*

VI. FILING OF REMOVAL PAPERS

7. Pursuant to 28 U.S.C. § 1446(d), FedEx Ground has provided written Notice of Removal to all parties in this action, and have filed a copy of this Notice of Removal in the Superior Court of Chatham County, Georgia. *See* Exhibit 2.

WHEREFORE, FedEx Ground respectfully requests that the above-described action pending in the Superior Court of Chatham County, Georgia be removed to this Court.

Respectfully submitted, this 14th day of December 2022.

s/ Matthew R. Simpson

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Counsel for Defendant FedEx Ground

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CERTIFICATE OF SERVICE

I certify that, on December 14, 2022, I served the foregoing Notice of Removal by First Class U.S. mail, postage pre-paid, and by email, upon:

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Merrick B. Garland
U.S. Department of Justice
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Washington, DC 20530-0001

s/ Matthew R. Simpson

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